

**REMARKS****Summary of the Office Action**

The drawings are objected to under 37 CFR 1.83(a).

The disclosure is objected to for alleged informalities.

Claims 2-4 and 6-8 stand objected to because of particular alleged informalities.

Claims 10-12 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,517,545 to Nakamura et al. (hereinafter “Nakamura”).

Claims 10-12 and 15-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0247080 to Feda (hereinafter “Feda”).

Claims 1, 5, 9, 13, 14 and 18 are allowed.

Claims 2-4 and 6-8, while objected to, would be allowable if rewritten to overcome the objections set forth in the Office Action.

**Summary of the Response to the Office Action**

Applicants have amended each of claims 2-4 and 6-8 in order to improve their form.

Accordingly, claims 1-18 remain currently pending and under consideration.

**Objections to Drawings, Disclosure and Claims**

The drawings are objected to under 37 CFR 1.83(a). The disclosure is objected to for alleged informalities. Claims 2-4 and 6-8 stand objected to because of particular alleged informalities. Claims 2-4 and 6-8 have been amended to improve their form. These amendments also address the outstanding issues addressed at page 2 of the Office Action with

regard to the drawing objections and those at page 3 of the Office Action with regard to the objection to the disclosure. Withdrawal of the objections to the drawings, disclosure and claims are thus respectfully requested.

**Rejections under 35 U.S.C. § 102**

Claims 10-12 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura. Claims 10-12 and 15-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Feda. These rejections are respectfully traversed for at least the following reasons.

Applicants respectfully submit that even assuming, arguendo, that each of Nakamura and Feda suggest a configuration of adjusting the maximum tube voltage value, as asserted by the Office Action, Applicants note that the combinations described in each of independent claims 10-12 and 15-17 of the instant application still differ from each of Nakamura and Feda for at least the following reasons. More particularly, neither of Nakamura and Feda teach, or even suggest, the feature of each of these rejected independent claims of selecting the limit tube voltage control program, limit tube current control program, or focus lens control program that corresponds to the maximum tube voltage value, as specifically described in independent claim 10, 11, 12, 15, 16, or 17.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102 should be withdrawn because neither of Nakamura and Feda, each taken separately, teach, or even suggest, each feature of independent claims 10-12 and 15-17 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the

claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

The Examiner is thanked for the indication that claims 1, 5, 9, 13, 14 and 18 are allowed. The Examiner is also thanked for the indication that claims 2-4 and 6-8, while objected to for the reasons set forth in the Office Action, would be allowable if rewritten to overcome these objections. For at least the foregoing reasons, Applicants respectfully submit that these objections to claims 2-4 and 6-8 have been overcome. Accordingly, Applicants respectfully submit that claims 2-4 and 6-8 are also in condition for allowance.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: June 30, 2006

By:

  
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